

REMARKS**A. RESTRICTION REQUIREMENT**

In response to the restriction requirement, Applicant elects to prosecute in this patent application Group I, claims 29-54, drawn to a system for controlling insects, which system includes a substrate in the form of an elongate tape having thereon a plurality of target zones spaced apart at predetermined intervals along a first substrate, each target zone including an insect attractant and/or an insect control agent. This response is made with traverse and it is urged that the claims contained in Groups I and II be examined together. Reconsideration is respectfully requested.

The Examiner indicated that the inventions lack unity. On the contrary, the method of controlling insects (process) of non-elected Group II necessarily employs the insect control system (product) of the elected group. It is also noted that the technical feature of the elected invention is a system for controlling insects. Groups I and II share the same technical feature. As such, the search directed to the elected group will substantially overlap a search strategy directed to the subject matter of non-elected Group II. Accordingly, Applicant urges that there would not be an undue burden upon the Examiner to search and consider Groups I and II at the same time.

In addition, the Examiner has the discretion to prosecute all of the pending claims in a single patent application. In fact, “[I]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” (Emphasis added; Manual of Patent Examining Procedure, § 803, second paragraph).

Thus, for reasons of efficiency in prosecution and searching, it is urged that Groups I and II be examined together and the Examiner is respectfully requested to reconsider and withdraw the present Restriction Requirement.

B. REJOINDER

Applicant reserves the right to request rejoinder of all appropriate claims removed by the Examiner in the event that the traversal is not deemed persuasive.

C. FEES

This response is being filed within the shortened period of time for reply. No further fee is believed to be required. If, on the other hand, it is determined that any further fees are due or any overpayment has been made, the Assistant Commissioner is hereby authorized to debit or credit such sum to Deposit Account No. 02-2275.

Pursuant to 37 C.F.R. 1.136(a)(3), please treat this and any concurrent or future reply in this application that requires a petition for an extension of time for its timely submission as incorporating a petition for extension of time for the appropriate length of time. The fee associated therewith is to be charged to Deposit Account No. 02-2275.

An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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